









John G. Talbot

THE PROPOSED ECCLESIASTICAL
LEGISLATION. *Oxford*

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THREE LETTERS

TO

“THE TIMES,”

(Reprinted by Request):

WITH A PREFACE.

BY THE

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P R E F A C E.

I NEED hardly say that the following letters arose in no wish, that the present confusions in the Church of England should be prolonged. No one, I think, could wish it, who has at heart the well-being of the Church, or of souls in it. But the confusion itself is not the chief evil. The greatest evils, whether in the physical or moral system, are almost always those which least come to the surface. Consumption or paralysis often give little threatening, until they are incurable.

The evils most to be apprehended from the continuance of the present state of things, I think, are—
1. The silent dislocation of the different orders of the Clergy; 2. The preparation, not for a disestablishment of the Church only, but for its disintegration, when disestablished.

1. It has been an unfortunate line, which some of the Bishops have taken, to insist that the judgment of a Court in an undefended cause is law. Yet we are told by those versed in the law^a, “the Purchas judgment was decided without argument on the respondent’s side, and a case decided without argument is generally regarded by the profession as no authority at all.” Another said, “a decision given in the absence of proper argument on both sides would not be considered *in civil causes* as of much weight.” Yet on ground of

^a Canon (late Archdeacon) Randall’s Speech in Convocation.

a judgment, which from the inability of Mr. Purchas to defend himself or have himself defended is, on these principles, "not of much weight," there has been one consent in denouncing us, the inferior clergy who disregarded it, as breakers of the law. We have been denounced as breaking the laws which we ourselves have promised to obey, and as by our example inculcating upon the people contempt of the constraints of law. Some Bishops have pressed upon their clergy obedience to such decisions, and have merged their own spiritual authority in the office of enforcers of a disputed judgment. Some of these, it is well known, have preferred the enforcement of this law-less law to the spiritual care of souls in important parishes, whom they have deprived of spiritual help. They have acted (it has been said) as if they "preferred to see a great parish lapse into heathenism to having it Christianized by Clergy who celebrate Holy Communion standing *in medio altaris*." And this is emphatically endorsed by the highest authority in the Church.

But human nature always dwells on such salient cases. They act with a terrible force. Revolutions have often been brought about by some one act. Some of us, in the second order, forget that the Bishops have, with those exceptions, been very forbearing; that, where they have known Christ to be preached, and souls rescued from Satan, they have rejoiced at the good work done, and have not interfered, although they themselves would have wished some things to be done otherwise; that, where the Congregation was at one and happy in its devotions, they have left them in peace. But, as usual, the few, who have taken a hard dry line,

have drawn the attention to themselves, and people thoughtlessly class "the Bishops" as antagonists, or as dry maintainers of an unfair exposition of the law of the Church, or have taunted the Order as having ceased to be "Fathers in God." Would that there were more disposition in some who so complain, to regard themselves as "sons!"

2. It is easy to ridicule^b threats of coming disruption. It is as wise as to ridicule the notice of successive cracks in a massive building. "You have told us of cracks again and again, and the wall has not fallen." But the successive cracks may betoken a settlement below. Each crack may give token of the presence of the unseen cause, though, in the forbearing mercy of God, the fall may be long in coming. Men may speak unadvisedly, again and again, of the approach of a crisis in the Church of England; but so far from thinking such a crisis unlikely to arise, because people have so often been mistaken as to its immediateness, I should think that the frequency of the occasions, on which thoughtful men so speak, an indication that it was coming at last. People feel the presence of the electric fluid, although the storm does not as yet, by the mercy of God, break in upon us. To accustom people to the thought that a thing may be done is a great step towards its being accomplished. Any how it is an evil that grave people should be placed in circumstances, in which they are led to contemplate the possibility, or likelihood, or certainty, that they should resign their offices. It gives a general feeling of unsettlement. How are we to expect our young men to give them-

^b Speech of Dean Stanley in Convocation.

selves to a ministry in which their elders apprehend that they may ere long have to resign their offices? Some Bishops complain of the relative fewness of highly-educated men among their candidates for Holy Orders. There are doubtless other causes in operation, (such as the crisis through which the faith in Christ or even the belief in God itself is passing in our Universities), but of those who pass safely over that surf, many will seek some other way of serving God than one, about the due discharge of which so many uncertainties gather. I doubt not that our Lord is still in the ship, that He would guide it, if it be left to His guidance, though "no small storm lie on" it; but when men would take the direction of the ship into their own hands, the example of those in the Acts who ran it aground may be a warning.

In the present case, the speedier the legislation, the worse. The primary evil now is, that we know not what the law is. If we conform to the Purchas judgment, we may be breaking the law. The laws to which we are bound are the directions of the Prayer-book. A judicial sentence cannot make black to be white, or "before the Table" to mean "on one side of it."

This may be cleared by the impending suits.

Meanwhile, the real evil is in the relative attitude of the Bishops and of the inferior Clergy. If those who are now pressing so hardly upon some of the inferior Clergy could but proclaim "a truce of God" until the law be cleared up!

The congregations which are directly affected are probably very few. People on both sides probably rather fear for the future, than are disturbed by any

thing present. Congregations who find their devotions aided by an ornate ritual, are, I believe, mostly so situate in towns, that such as prefer a simpler ritual, can, without inconvenience, worship God in some neighbouring church. The tumult has been, and is being, raised by bystanders, who are not hindered in their own devotion or indevotion, but who wish to stamp out the belief in the Real Presence and get rid of those who believe it. If the ritual were abolished, the tumult would not be abolished. Probably it would rage more, since success fans any flame. Fiercer language is not used by Puritan organs against the ritualists than against those who use no ritual, if only they hold and teach the faith as to the Sacraments, which the Primitive Church held and taught.

It serves as a popular plea, and is put forward in Newspapers, or Tracts, or on Platforms, that some Clergy may be sent to Parish Churches who shall revolutionize the service, against the wishes of their parishioners, and no one takes time to consider, whence those Clergy are to come. From the Bishops? or the Crown? or lay-patrons? or the Simeon Trustees? or the Colleges, who are not necessarily Church Corporations though with more or fewer of the Clergy in them? (For the capítular bodies are almost the only clerical patrons.) But it is energetically repeated that the restoration of ritual is *not* a lay movement. Whence then are these Clergy to come who, we are told, are to oppress their congregations, and introduce through the length and breadth of England an elaborate un-English ritual? By whom are they to be intruded on flocks, over which they are to tyrannize?

It requires little experience in human discussions, to see that the last ground which partisans will bring forward, is the real one. Now and then, it may escape from some simple and unpractised advocate. Yet although not put forward, it shines through. What partisans are afraid of, is *not* elaborate ritual. What simpler than the position of the Celebrant? Here is no elaborate ritual. No single act besides is necessarily changed. The Celebrant simply turns away from every thing which may distract him, and kneels in the same direction as all the rest of the congregation. There is nothing to hinder every word of the service from being heard. The eastward position creates no offence when the Litany is so said in our Cathedrals, although the Clergyman who says it, equally "turns his back" (as the phrase is) "on the congregation," just as every row of worshippers to the last does on those behind them. The Creed is said towards the East, where our Lord ascended, and where He will return to judge, without any protest. The Bishops at the Savoy Conference, in answer to the Puritan objection, laid down °:—

"When the minister speaks to the people, as in lessons, absolutions, and benedictions, it is convenient that he turn to them. When he speaks for them to God, it is fit that they should *all* turn another way, as the ancient Church ever did."

And yet, however other topics may be adduced "ad captandum," this is plainly the central objection. If all ritual, besides this, were given up to-morrow, but this was retained, the opposition on the part of the Church Association would not be in the least diminished.

° Cardwell's "History of Conferences," p. 353.

This is the more serious, because the one object of attack and defence is Eucharistic doctrine. This has been put forth by defenders of the Bill, as the ground why such power is wanted. It is urged as the reason for pressing it, that pious Clergy use prayers not in accordance, it is said, with the teaching of the Church of England^d. I cannot myself see any difference between the meaning of the language quoted in proof of this, and the following from the pious Bishop Andrewes, in his prayers “for Holy Communion :”—

“O Thou who sittest on high with the Father, and art present with us here invisibly; come Thou to sanctify the gifts which lie before Thee, and *those in whose behalf, and by whom, and the things for which, they are brought near Thee.*”

Or one so loved by the English Church,—Bp. Wilson :—

“May it please Thee, O God, who hast called us to this ministry, to make me worthy to *offer unto Thee this sacrifice* for our own sins, and for the sins of Thy people.”

Or,—

“Give me, when I commemorate the same sacrifice which Jesus Christ once offered, give me the same intentions that He had, to satisfy the justice of God, to acknowledge His mercies, and to pay

^d The passage objected to was :—“Accept, O holy Trinity, one God, the sacrifice of the Body and Blood of our Lord Jesus Christ, which I desire to offer Thee this day in union with the sacrifice which He offered once for all upon the cross, and now presents in heaven. Receive it (1) to the praise and glory of Thy holy name, (2) in memory of the death and passion of our Saviour Christ, and (3) in thanksgiving for all Thy benefits, especially . . . : grant also (4) unto me, a sinner, pardon of all my sins, especially . . . and grace to obtain all virtues, especially . . . and (5) unto all Thy faithful, living and departed, especially . . . the graces that they need. Lastly, I desire to offer it for (6) . . . [here name your special intention] I beseech Thee to accept this sacrifice, through the same Jesus Christ our Lord. Amen.”

all that debt, which a creature owes his Creator. None can do this effectually but Jesus Christ: *Him*, therefore, we present to God in this Holy Sacrament."

Or the language of S. Ambrose :—

"We have seen the High Priest coming to us; we have seen and heard Him offering for us His Blood; we priests, follow as we can; that we may offer sacrifice for the people: although weak in deserts, yet honourable in sacrifice; since, though Christ is not now seen to offer, yet Himself is offered on earth, when the Body of Christ is offered: yea Himself is plainly seen to offer in us, Whose word sanctifieth the Sacrifice, which is offered^e."

Not to multiply quotations, Bossuet^f accepted the statement of the Eucharistic sacrifice by the Lutheran Molanus, and in his earlier negotiations with the French Calvinist, M. Ferry, it was agreed that granting the doctrine of the real Presence, there was no further difficulty in regard to the sacrifice of the Eucharist.

The charge upon which Mr. Bennett was acquitted was,—

"That he maintained that the Communion-table is an altar of sacrifice, at which the priest appears in a sacerdotal position at the celebration of the Holy Communion, and that at such celebration, there is a great sacrifice or offering of our Lord by the ministering Priest, in which the mediation of our Lord ascends from the altar to plead for the sins of men."

The Appellant, not we, is responsible for this language, which is not theological; but in untheological language it sufficiently expresses the doctrine which we hold. It is with the view to extinguish this doctrine, that this outward ritual is attacked. But as was said

^e Dr. Pusey's Letter ii. to Dr. Newman gives the passages in full, pp. 41—48.

^f S. Ambrose in Ps. xxxviii. § 5, quoted in the Theological defence of the Bp. of Brechin, p. 40, 1860.

by one, who, in the House, criticised the Bill, the Bill does not touch these devotions.

It is probably the first time in the history of the Church that any interference with the private prayers of a Clergyman has been attempted. And although these are the private prayers of the Priest, they are said at the instance of the people, and the form is probably adopted, lest he should forget any of the prayers, which he had been asked to offer. I suppose that, for the last thirty years, when any one has been anxious about one dear to him, in sin, or temptation, or sickness, or desolation, or about his own soul, one of the most frequent requests to the Clergy has been, "Remember N, or me, at the Holy Communion." And in S. Chrysostom's language, "When the whole people and the body of the Clergy stand with hands stretched out, and the tremendous Sacrifice is placed in open view, how can we do otherwise than prevail with God?" Bossuet says, in that language referred to,

"The essence of the Sacrifice in the Eucharist consists precisely in the consecration, whereby, in virtue of the words of Jesus Christ, His Body and precious Blood are placed really on the holy Table, mystically separated under the species of bread and wine. By this action, taken precisely and without any thing added by the priest, Jesus Christ is really offered to His Father, inasmuch as His Body and His Blood are placed before Him, actually clothed with the signs representing His Death.

"As this consecration is done in the Name, in the Person, and through the words of Jesus Christ, it is in truth He Who both consecrates and offers, and the priests are only simple ministers.

"This being well understood, it appears that this real oblation of the Body and Blood of Jesus Christ is a consequence of the doctrine of the Real Presence.

"The Catholic Church, by these words 'we offer,' does not mean by this oblation to present to God or to make to Him a new

payment of the price of her salvation, but only to employ the merits and intercession of Jesus Christ with Him, and the price, which He has once paid for her on the Cross."

I do not suppose that any who believe in the Real Presence would except against the doctrine of the Eucharistic Sacrifice as stated fully by Bossuet. Yet it is on some misunderstanding of this doctrine, held, as we hold it, by the whole ancient Church, and endorsed by General Councils, that we are denounced.

The Church of England, following the ancient Church, in the prayer for the whole Catholic Church at the Holy Eucharist, uses the word "oblations." She distinguishes between the "oblations" and the prayers, and beseeches Almighty God "most mercifully to accept our alms and *oblations*," and then to "receive these our prayers which we offer unto Thy Divine majesty." She then prays for the "universal Church" and all its members; for the Queen; for all in authority under her; for all Bishops and Curates; for the whole people; for the congregation; for the suffering, under whatever adversity; and she mentions the departed. With many of us, it has for above thirty years been the habit mentally to include in these prayers all the special prayers for which we were asked, and this we did by virtue of that "full, perfect, and sufficient Sacrifice, oblation, and satisfaction for the sins of the whole world, which our Lord made by His one oblation of Himself once offered; of which by His precious death He commanded us to continue a perpetual memory." And I conceive that those who framed the prayer objected to, meant nothing more, (for there is nothing more to mean,) than that as our Lord, at the

Right Hand of God, continues to intercede for us in heaven, pleading that Sacrifice once made, so do we, on earth "protest that we have nothing to present to God but His Son and His merits," and that we do plead those merits by virtue of (what was admitted in the Bennett judgment to be tenable in the Church of England) "a real actual objective presence of the Body and Blood of Christ in the Sacrament, after a spiritual and heavenly manner."

But since the doctrine of the Eucharistic Sacrifice, for teaching which Mr. Bennett was accused and acquitted, is aimed at by the party in whose interest this bill is framed, then it is only by the extermination of the whole High Church party that its end can be attained. The Church Association acted consistently, in impugning the unobtrusive Eastern position, together with the more elaborate ritual. It is for the significance of that position, that it is both attacked and defended. This attack has made it even more significant. Our congregations must the more know what it symbolizes. Though then, when officiating in our Cathedral, I have mostly abstained from the use of this position (which, under other circumstances, I have used for above thirty years), I do not think that the High Church could, as a body, abandon it, without seeming to abandon the doctrine which it symbolizes. It would, at least, be essential to preach the doctrine orally and unceasingly.

It might be skilful policy for the Church Association, Tarquin-like, to try to cut off the tallest heads first. But it would not be honest nor consistent, nor could they stop short. One charge lies against all,

those who in the simplest dress use the Eastward position only, and those who use the most elaborate ritual,—that we mean to teach by it, one and the same doctrine. Nay, some of the older of us would most gladly see ritual which did not symbolise that doctrine abandoned.

But further, we are all (however loyal to the Church of England and meaning to obey her) incriminated as lawless. The judge who presided at the Purchas judgment took occasion, in the late debate, to maintain that—

“the [Purchas] judgment had been most carefully considered, that it was the law of the land, and that so long as it continued to be so, it ought to be obeyed. In saying, they would not obey the law, [in our opinion, the misinterpretation of the law,] some clergymen took, in his opinion, a most extravagant view.”

I cannot imagine in what other way it could be tested whether it *is* the law, than by a fresh trial; or how a fresh trial could be brought about except by disregarding the judgment. It is no such easy matter to obtain a fresh trial. After my own illegal^s suspension in the University, I was advised by very eminent lawyers to obtain a trial by disregarding the sentence. I saw no seemly way of doing this, and asked Bp. Bagot and Bp. Blomfield to take proceedings against me, having published the condemned sermon within their dioceses. On other occasions, I solicited or challenged prosecution for those same doctrines. I preached them elaborately before the University. I asked in vain the Church Association to include me in the prosecution of Mr. Bennett. But I obeyed the sentence, though ad-

^s Previous trials had been in open court, and involved a hearing.

vised that it was illegal. The result was that, for nearly thirty years, I remained under the opprobrium of an illegal sentence, which dogged me in all that I would do for the Church, and I was at last incidentally acquitted through the acquittal of Mr. Bennett. In the present instance, a fresh trial has been obtained by ignoring the judgment, nor do I think that it could have been obtained in any other way. It is known that two Canons invited their Bishop to prosecute them for the Eastward position, and that he declined it.

And now this law is (if this Bill be passed) to be enforced upon us. The Bishop could not use any discretion ; for his Court is bound by the Superior Court, the late Judicial Committee. He could only, as judge, issue his monition to us to disuse what the Purchas judgment condemned. And this monition would come, not from himself, as a Bishop, but as a judge bound by a superior Court. The direction is that the Bishop should be appealed to for the resolution of doubts as to the services, and that "by his discretion he should take order for quieting and appeasing the same, so that the same order be not contrary to any thing contained in this book." But (1.) the Bishop has no "discretion," seeing that he holds himself bound by the Judicial Committee: (2.) we do hold the direction to stand "at the side" of the Table to be "contrary to" the direction of that book, which tells us to "stand before" it. (3.) The Purchas judgment itself contravenes the Mackonochie judgment, since Mr. Mackonochie was condemned for not "*standing* before the Table," throughout the consecration ; Mr. Purchas was condemned for "standing before" it at all.

It has been said in the name of the framers of the Bill :—

“We took every care to divest of even the appearance of a penal proceeding the action to be taken against Clergymen who have been acting according to their conscientious convictions ; but we did wish to reassert that the Bishop in his Court, and not the incumbent, acting according to caprice or his discretion, was to be the exponent of the law of the Church in the matter treated of in this Bill ^h.”

This principle might apply to any new matter of complaint. But the Bishop in his Court could not be “the exponent of the law of the Church,” since he holds himself bound by the exposition of the Judicial Committee. He would only be an automaton, to report its decision to the Clerk delated to him. The Bill cannot, I suppose, intend to enable the Bishop to dispense with the observance of what we have been so condemned for *not* observing, “the law,” as laid down by the Purchas judgment. But if not, then the object of this Bill must be, by a summary process, to enforce that judgment.

It is said that “this is not a penal proceeding.” But what if this Court be enacted and applied *pendente lite*, and the Clerk *pendente lite* disregards the inferior Court, as, in order to obtain a reversal of the judgment, he has already contravened the judgment of the Superior Court ? The inferior Court, being bound, can add no authority to the superior. To serve the object of this Bill, he must, I suppose, be punished.

The Bill might have not unfitly been entitled “A Bill for promoting religious discord in Parishes,” or, if passed

^h Speech of the Abp. of York ; “The Times,” May 12.

this year, "A Bill for suspending lawful ritual." For since it seems almost certain, that some, if not all the points impugned, will be declared legal, and since this Bill, if it became law, would enable a Bishop to suspend the ritual during this appeal, then he would be in the unsatisfactory position of suspending for a time what he would afterwards have, at least tacitly, to admit that he had suspended wrongly.

Indeed, it seems to be the one object of the Bill, to enable the Bishop at once to get rid of a ritual, to which a party objects. The Archbishop of York says rightly, "The clause" [that the sentence shall take effect at once, notwithstanding the appeal] "is a vital part of the Bill." For an appeal will lie as before. It would take as long as before to ascertain whether any thing be legal or no; but it will be supposed to be illegal until it be proved to be legal. The execution will come first, the hearing afterwards. There will be an appearance of resisting the Bishop's authority, to swell the invidiousness against the accused. He may, I suppose, be suspended. In the cases where the congregation is one with their clergyman, a stranger may be thrust in against their wills; the congregation may be scattered to the winds; but the majesty of the law (i.e. of the Purchas judgment) will have been vindicated.

A friend of the Bill proposes, in the "Times," that we should be "suspended until we promise obedience." And, of course, this would be the only effectual way. For, since the acts to be prohibited are our own personal acts, there would be no other means of extinguishing the acts than by eliminating ourselves.

It is held out as a concession, that in order to set the courts in motion, the delation shall be by three parishioners. The requisition that they shall be communicants is pronounced impossible. Yet the ritual most complained of, and I suppose almost the only ritual employed, is at the Holy Eucharist. From this, under any circumstances, non-communicants exclude themselves; so we are to have prosecutions set on foot by "aggrieved parishioners," and their grievance is to be, that a service from which they shut themselves out; at which, except with a view to delation, they were never present; for which, while they are what they are, they are not fit, is celebrated in a way which *they* do not approve; or by one, against whom they may have a grudge, because he has told them of their faults.

There seems to be the more reason for delay, because those who object to ritual have not made up their minds on what grounds they should object to it. By some, or by the same person at different times, it is scoffed at as a trivial fancy; at another, it is urged that it is vitally necessary to prohibit it, because "vast masses of laity intelligently hate it." But a thing cannot be at once a piece of idle pedantry and of tragical importance.

A Puritanical deputation has, we are told, promised the Archbishop of Canterbury, that if there were faults in the way of neglect or omission, they should be rectified. Doubtless, they mean to keep their promises. We are to have a model Church, in which every one is to observe the law, and if we will give up the plain meaning of a rule, in deference, not to the wishes of our own congregations, but of those without, and the judges who passed the Purchas judgment, others will obey the

rule as to the recitation, e.g. of the Athanasian Creed, which yet the Archbishop declared that the Bishops would not enforce upon any one. Yet how is one, who "stands before the Table" as the letter of the rubric directs, (notwithstanding the Purchas judgment,) a greater offender than one who disobeys the explicit injunction as to the recitation of the Creed? Promises and memories are frail things. I would rather see some commencement of performance.

We need, (1.) That it should be defined, what is the Ritual of the Church of England? (2.) That there should be some means of restraining changes in the mode of worshipping God, against the wishes of the worshippers.

A good deal of the present excitement will probably pass away, when the pending prosecutions shall be over and the law defined. The Ritualists will, I trust, be satisfied when so much of Ritual shall be conceded, as shall mark out the Holy Eucharist to be the centre of Christian worship, our closest union with God and our redeeming Lord. Some, at least, will be disarmed by moderation. Pious minds, as they receive the truth, will become surprised that they were betrayed into such heat, when they perceive that the honour of our Lord, and thankfulness for His priceless gift and union with Him, were the ruling passion of those whom they opposed.

It is marvellous how, what is passionately denounced at one time, is accepted somewhat later. The love of beauty pervades our whole nation, even when what is symbolic is not understood. We could not imagine

our new and beautiful hymns making way for Sternhold and Hopkins ; yet those hymns made their way irregularly, amid discouragement, as irregular. Stained glass, with all its instructiveness and devotion, has grown up within thirty years, amid great prejudice, so that some who left our communion many years ago could not even imagine the extent of the change. No one could have even conceived of the Exeter Reredos, in yet more recent times. Had it been attempted, when stained glass was re-introduced, it would have been a failure ; now the donors of it have general sympathy. Even dissenting meeting-houses imitate our architecture. Yet their forefathers called our churches “ temples of Baal, idle synagogues, abominable styesⁱ.” “ To solemn actions of royalty and justice their suitable ornaments are a beauty. Are they in religion only a stain^k ? ” In Hooker’s time, the dedication of churches was apparently a rare thing, and he had to defend it against the Puritans^l. “ We know no reason wherefore churches should be the worse ” for it. Yet if “ omission be prohibition,” as is urged, I know not by what authority Bishops now universally dedicate them. The greatest “ ritualistic innovation ”—the placing the Holy Table at Communion-time altarwise—was excepted against in 1630, as contrary to the Book of Common Prayer^m.

The only plea which has any weight is, that it would be hard and wrong if an obsolete law (such as that of the “ ornaments rubric,” or whatever of ritual may be pronounced legal) could be revived, at the will of an individual, against the wishes of any congregation. The

ⁱ Hooker, v. 11, 3.

^k Id., v. 29, 1.

^l Id., v. 12, 1.

^m Cosin’s Correspondence.

mode in which we worship God is too sacred a thing to be abruptly exchanged, even for one which may, in itself, be more beautiful. When the minds of a congregation are attuned to it, they will themselves desire it.

It is not much to ask, that we, of the second order of the clergy, should allow ourselves to be restrained even in restoring what we may think to be for the edification of our people, and bide our time. Since, at an eventful time in the Church, a Bishop and Martyr, to whom visions for his guidance and comfort were vouchsafed during his whole Episcopate, could lay down as a principle, "From the beginning of my Episcopacy I resolved to do nothing of my own private judgment without your advice and the concurrence of the peopleⁿ," we, in these days, may well be content to restrain our liberty or have it restrained, as to the circumstances under which even that which is lawful shall be revived; remembering, also, Who said, "No man seweth a piece of new cloth on an old garment, else the new piece that filleth it up taketh away from the old, and the rent is made worse^o."

The English people, with all their prejudice, are, at heart, essentially fair. It is their characteristic to love "fair play." Let them once be satisfied, that they will not (as they are now diligently told) have the way in which they worship God changed against their will; that there is no need for "protecting the sober majority of the Church from a mediæval delirium^p," since no one wishes to disturb it, and they will not act the part of "the dog in the manger," and grudge to others a ritual, which *they* find edifying, because it would distract themselves.

ⁿ S. Cyprian, Ep. xiv. 5, Oxf. Tr.

^o S. Mark ii. 21.

^p Leading article of the "Times," May 1.

When the Bishops shall be freed from the incubus of the Purchas judgment, I doubt not that if they act in the fatherly and loving way suggested by the Bishop of Lincoln, the High Church clergy will, as a body, listen to their suggestions; individual excesses will drop off, and congregations of English Churchmen will easily be re-assured, if any have, indeed, been disturbed. Dissenters must be won to the Church by learning that the Church possesses gifts which they have not; not (as in Ireland now) by her effacing her own doctrines, so that one wonders why she does not unite with some Presbyterian body and abolish the Episcopate, the import of whose office the Irish are fast abolishing. In the United States, a little while ago, we were told that out of forty Bishops, eight only were sons of Churchmen, the rest were converts from some form of dissent; but that in a Diocese, where Puritanism was piously taught and an "invisible Church," the Church also was invisible. For why should those out of the Church join the Church, if they were to find in her only what they left? Better times God has, I trust, in His Providence for us, though, to use the words of a thoughtful layman in high position, "It seems to me, that men on both sides are striving their utmost to destroy what I believe to be priceless."

LETTER I.

SIR,

I TRUST I am not mistaken in thinking that in drawing public attention to the proposed ecclesiastical legislation you wished not only to prepare men's minds for it, but also to elicit opinions from those who would or might be affected by it; for you say that "it cannot be disguised that considerable difficulties must arise in carrying it into effect."

Perhaps, then, you will allow me, who am myself no Ritualist, although bound to many Ritualists by affection and by their labour for souls, to suggest some reasons,—1, for delay during the present Session of Parliament, and, 2, for re-consideration of the plan itself.

1. The main object of the plan is, I understand, to give the Bishops power to enforce summarily, by sequestration or other penalties, the late decisions of the Judicial Committee of the Privy Council. But five of the points upon which that Committee decided are at this moment subjects of litigation, and may come before the new final Court of Appeal. That Court of Appeal does not come into existence before November next. The new final Court may reverse, in some of these points (so lawyers tell us), the decisions of the old Court. It would be contrary to English sense of justice to enforce decisions against which an appeal was at that moment lying. We have resisted those

decisions (some of us at least) because they were given in an undefended suit, with (it appeared on the face of the judgment) an evident bias, and they have been pronounced by good legal authority to be bad in law. But there was no way of testing this, except by acting contrary to them and taking the consequences. Resistance has had its natural result, fresh prosecutions. I have looked upon these prosecutions with satisfaction, in the hope that they might issue in a judgment, which, from its evident impartiality and knowledge of the facts, may command respect. The new Court is much larger and has a distincter legal element than the old. But legislation to enforce a judgment which may be in part reversed, in part, if confirmed by the new Court, acquiesced in, is manifestly absurd.

2. In any case, I think that the English nation would agree with us that it would be well to re-consider (a) the construction of the proposed Court, (b) the scope of their jurisdiction :—

(a) The laymen of the proposed Court are “to be elected by the churchwardens of each diocese.” But one of the two churchwardens in each parish is the representative, not simply of the congregation or of communicants, but of the ratepayers, who now pay no rates to the Church, have no relation whatever to the Church, of whom, in our large towns, numbers are, unhappily, not Churchmen, and who need not be Christians. In some places many might be Jews, many, I fear, altogether unbelievers. Yet the office of those elected by such a constituency would be to decide whether there were any circumstances in a Church-congregation which should make it expedient to enforce or suspend the decision of the law. For the facts of

the case would be patent. An odd, but very delicate office! I do not suppose that any religious body in England would allow its services to be regulated by the representatives of those who are necessarily hostile to it, and whose bias must be to assimilate the Church to themselves.

(b) The business of the proposed Court is to enforce recent decisions of the Judicial Committee—i.e., we have, thus far, a large organization to effect a matter in extent very small. But you tell us generally, “it is proposed that the new law shall expressly exempt minute diversities of one kind while providing at least machinery for repressing them on the other.” Of course, much may depend on what is meant by “minute diversities.” But *primá facie*, the provision seems to be conceived in a strictly partisan spirit. You yourself seem to apprehend this when you observe that “those against whom the distinction is drawn may not acquiesce very readily.” In a word, so-called distinctive High Church practices are to be prohibited, but every neglect or wilful violation of plain rubrics by the so-called Low Church or Broad Church is to be legalized.

The English people love law, but they love still more that which is the object of law—justice. Such one-sidedness would, I think, if carried out, exasperate very many by its evident injustice. When—to take your own instance—some one or two dozen priests, zealous for their flocks and for people’s souls, and loved by their people, shall by this new legislation have been severed from them because they do—what since their Ordination in years long passed they have ever done—take literally the direction of the Prayer-book, to

“stand before the Table,” I think that a feeling of indignation will be aroused, which will endanger what concerns politicians far more and for other grounds than it does us, the Clergy—the Establishment. For it is acknowledged that the so-called Ritual movement has come mainly from the people, not from the Clergy.

If, then, I might suggest anything, it would be slowness in a line of action which, once entered upon, would be irrevocable. The Judicial Committee has included in its censures too many to be trodden out. If we could be shewn to be mistaken in thinking that certain usages are in conformity to the English Formularies, we should, I suppose, find other ways of expressing a devotion to our Lord dearer to us than life. As things are, they who would extirpate us would be obliged to leave their work undone. Endurance is stronger than infliction. There are too many, even for a summary process to sever from their flocks. Yet where there is one common offence, the Judge who spares any condemns himself for not having spared all. And if he spares any, his labour is fruitless.

In a life prolonged beyond the threescore years and ten, I have witnessed worse storms than this. Many years have passed since two of our acutest Bishops threw their dioceses into a flame by enjoining a point of unmeaning ritual. What occasioned then a clamour so fierce is now held to be a thing indifferent.

The older of us have felt the evil of the present state of things long before this threat of legislation, and have been thinking what could be done on our part to remedy them, short of blind submission to what we believe to have neither legal nor moral weight. If the Bishops, as some have done, will act according to their title of

“Fathers in God,” instead of being mere enforcers of disputed interpretations of law, they may help to extricate us out of our difficulties. This proposed coercive power it would be more difficult for them to enforce than for us to endure.

Your obedient servant,

E. B. PUSEY.

CHRIST CHURCH,
March 13, 1874.

LETTER II.

SIR,

You will, I am sure, allow me to make some personal explanations in regard to what you have said in your courteous article on my former letter.

1. I believe that if, as you suggest, all who have been in the habit of doing what the Judicial Committee pronounced illegal had abandoned all those practices, choosing only some one person who, by way of protest, should continue them, this would have been hailed as an acquiescence in the correctness of the interpretations, or (as we hold them to be) "misinterpretations," of our rubrics which that Committee laid down. The non-compliance of an individual would have been looked upon and neglected as an idiosyncrasy of the person so disobeying, and the question of the rightness of those interpretations could never have been raised. We should have bound ourselves, and no one would have helped us to free ourselves. One of the Low Church organs has publicly expressed its regret at the renewal of the prosecutions, because it gives a chance of the reversal of some of the late decisions. We had no means of raising the questions except by disregarding them.

2. You say of me that "such disrespect for a court of judgment as" my "letter displays is unheard of among Englishmen on other subjects." Though it will seem to you a repetition of the offence, I must say that such a judgment as that which we complain of is unheard of among Englishmen on other subjects. But, unhappily, this is nothing new as to ecclesiastical decisions of the now late "Judicial Committee." I

hope that the new Court of Appeal, freed from a pseudo-ecclesiastical character and with a larger legal element in its composition, will command more respect. After the *Essays and Reviews* judgment more than 11,000 clergy joined in a declaration, affirming, on two great points, *that* to be the doctrine of the Church of England which the Judicial Committee alleged to be open. After the Gorham judgment I was informed by an eminent Bishop that almost all the Bishops had concurred in a declaration^a, which would have re-affirmed the doctrine laid down in the Court of Arches and contradicted by the Judicial Committee, but that some two or three Bishops not concurring, the majority thought it unwise to make manifest this division. But I do not see the difference between affirming Baptismal regeneration, the inspiration of Holy Scripture, and Hell to be doctrines of the Church of England—propositions which the Judicial Committee denied—and persevering in any practice which it condemned. In the one case we contradicted in words; in the other in acts. But of this I am quite certain—that had the Judicial Committee been true to the principles laid down so explicitly in the judgment acquitting Mr. Gorham, they could not have condemned Mr. Purchas.

3. In my former letter I drew attention to the proposed prohibition of High Church acts, which are in conformity, as we think, with the rubric, and the proposed legalizing of neglect, or contempt of plain rubrics, by others. Allow me to add that a good deal of forbearance has been exercised by Churchmen towards our Low Church brethren. It has often been debated among Churchmen whether, with a view to check the

^a I have since seen the document, by the kindness of one to whom a Bishop gave a copy of it.

prosecutions of the Church Association, some counter-prosecution of Low Church irregularities should not be undertaken.

But Churchmen held their hands with a view to peace and to avoid aggravating exasperation. The ritual, attacked by the "Church" Association, is valued by Churchmen as symbolizing doctrine, which has been ruled not to contravene any formularies of the Church of England. The Low Church omissions which have been condoned also related to doctrine. They mistaught by omissions as we taught by observances. I will only instance the omission of the thanksgiving to God, "seeing now this child is regenerate," &c., which has been very painful to parents, and the administration of the Holy Communion to an entire railful with one repetition only of the words, which the Church directs to be used to each person. This may seem to you a light matter, but in reality it destroys the full force of the appeal at that solemn moment to the single soul, while it also implies an anxiety to hurry through a sacred service, which is painfully irreverent. I have been present formerly in these churches where I hoped it would not be practised, since there was no excuse as to length of time, for not thirty people were present. But it was. Communicants have doubted whether they should communicate, and have gone, when they could, to another church. Instances of irregularity could be multiplied; but I do not wish to give publicity to these scandals.

4. I do think it a gratuitous insult to the Church of England that the persons who, conjointly with the Bishop, are to regulate her services are to be elected, in part, by persons hostile to her. You condemn this objection as unreasonable, because it lies equally, you say, "against the whole existing constitution of the

Church.” Allow me to submit to you,—First, that the power over the Church actually exerted by Dissenters and unbelievers through the agency of Parliament is no part of the original Reformation settlement; secondly, that an evil which is tolerable, if confined within certain limits, may be fatal if produced beyond them. The present relations of Parliament and the Church produce already serious complications, of a kind which no true Churchman, and I may add, no wise politician, would wish to exaggerate.

5. There are many difficulties as to the proposed Court, to which I purposely abstained from alluding, because they might be more or less modified by details which have not yet been disclosed. The simple idea of the framers of this Court seems to have been to gain a coercive power against certain persons. But it may be like the fable of the horse calling in the aid of the man against the stag, and then being unable to shake him off. If this new Court is constituted only to uphold the Bishop in inflicting a severe penalty on one of his clergy, it would be really superfluous. If it is to exercise any real discretion, it would restrain and cripple him, and itself become a spiritual power, dispensing with law. It is created to enforce certain interpretations of rubrics; it is a mere automaton, unless it have power to relax their stringency. The facts in any case brought before it will be patent. It would have no such office as juries have. What could the Court do unless it should have power to relax what it is constituted to enforce? Otherwise its office would be as mechanical as that of a lawyer’s clerk. There are many other questions about which we are yet in the dark:—1. Would a Bishop be compelled to direct the power of this Court against any clergyman accused

before it? 2. Would the Court deal with temporalities only? 3. What further penalties beyond sequestration can be inflicted? 4. Will the penalties extend beyond the diocese, so as to disqualify the condemned clergyman from officiating in another? 5. Is a Court, essentially civil, the creation of Parliament, to have, nominally, spiritual jurisdiction? 6. Can a Court, representing the inferior clergy and churchwardens of a diocese, bind the Bishop of another diocese? Else, in more ways than one, we might have the spectacle of one diocese, under a forbearing Bishop, filled with clergy whom rigid Bishops had ejected. 7. Is a whole congregation, bound in affection to its pastor, to have no voice in retaining one whom a single Dissenter may accuse before this Court? If not, where are the rights of the people whom, we are told, this Court is instituted to protect?

6. I said before that a fatal objection to this new Court is, that an attempt to enforce all the present prohibitions of the Judicial Committee will be impossible, from the number to be ejected. The new machinery is as sharp as a guillotine. It would do its work clean. But could its framers put it in force? It is to amputate all who resist those misinterpretations (as we are persuaded) of the Judicial Committee. It is to enforce obedience to what is called law, to guard its sanctity. Then its use must be indiscriminate. Resistance on any one point vitiates all. The sanctity of the law is not guarded, if it is disregarded openly on any one point. This wrong judgment on ritual has notoriously increased Ritualists. It forces people's attention to the subject, and they choose, some one way and some another. The vestments are used in more churches than before they were forbidden. But those

who obey the rubric, "stand before the table" in its literal sense, are counted, I believe, by hundreds. The institution of this new summary process is to appeal to force and to our fears. It is also pointed against our belief. It is said virtually, "Your faith is protected by the Bennett judgment, but the way in which you set it before the eyes is forbidden by the Purchas judgment. You may teach it from the pulpit in whatever way you think edifying. But you must not, even if your congregation desire it, obey a rubric which has been thought to express it." This makes the position of the celebrant almost a matter of principle. Our poor people would understand what standing before a table means: that it is standing before the centre of the table, not at its end.

This controversy now teaches them what that position means, as understood both by those who use it and those who oppose it. It is not then a mere matter of dry law, but an expression of our faith. If, then, those who use it abandon it, the poor will believe that they abandon the faith which it is said to express. Since the rubric is plain enough to the poor, perhaps not a few poor will infer, "Then the Church of England must have meant to teach that doctrine, and they who teach it are most faithful to her." Nay, it must bring it before such of us as, from local circumstances, have not obeyed what seems to be the plain meaning of the rubric, whether it is not our duty to sacrifice those considerations which withheld us, and obey the rubric, which the Judges in the Purchas judgment misinterpreted.

You ask by whom I mean that "it was acknowledged that the Ritual movement came from the laity." Allow me to name one who, during his long episcopate and archiepiscopate, must have had ample means of ob-

serving. The late much-loved Archbishop Longley said so to one in a position of dignity, who repeated it to myself. I also, from facts which I have myself known, thought it to be notorious. Ill-advised things are done in every movement. Such would be the introduction of ornate services against the wishes of the people. It would, of course, be tyranny. But I believe that if the clergy who do what the Judicial Committee has ruled to be illegal were persuaded to give up all, a primary difficulty, in many cases, would be with their congregations^b. Country squires have not the reputation of being Ritualists. One in the neighbouring county begged the clergyman of his parish not to change his position in conformity to the judgment, because the village congregation would be so puzzled. I ask, then, what is to become of the congregations whose pastors this summary process is to cut off? One existing Bishop (who, I hope, has not many to agree with him) said to one^c who repeated it to myself,—“Go where you will; to the Roman Church, the Greek Church, the ‘old Catholics;’ or why do you not find among the unemployed colonial Bishops a Bishop for yourselves?” *Solitudinem faciunt; pacem appellant.*

Forgive the length of this letter on account of the importance of the subject.

Your obedient servant,

E. B. PUSEY.

CHRIST CHURCH,
March, 20, 1874.

^b An allusion to one of the pending prosecutions has been omitted.

^c The answer, made to this suggestion was, “My Lord, I have always been taught that schism is a sin.” Upon which the Bishop was silent.

LETTER III.

SIR,

1. I do *not* think that "it is necessary to the proper declaration of the true faith that the celebrant should stand with his back to the congregation." I only said that opponents who demand relinquishment of that position *because* it symbolises the truth, *almost* "make it matter of principle" not to abandon it, lest by so doing the clergy should seem to their congregations to abandon the truth which it symbolises. I have myself so stood only where it was the custom so to do, or where the congregation (I knew) wished or did not object to it. I have not myself connected the position with the doctrine, because, as one of a cathedral body, I accepted the practice which existed in our cathedral, other Canons being, until lately, older than myself. The writers in the "Tracts for the Times," forty years ago, were so intent on bringing back in their vitality neglected truths of revelation, that they forewent any changes which might draw off attention from those truths. There was a contemporary movement as to a very moderate ritual in a London congregation carried on amid the utmost harmony of priests and people. We were united in friendship, but the movements were unconnected with each other.

2. The increased use of the position "before the table" has, doubtless, been connected with the belief in the Eucharistic sacrifice as necessarily involved in the act of consecration. But the Prayer-book forbids consecration without communicants. With us, then, the Eucharistic sacrifice is, as a matter of fact, necessarily connected with the Communion.

3. I said, from my own knowledge of individual cases, that the revival of ritual began with the congregations. These, e.g. often presented the vestments to the clergyman. He wore them because the congregation had given them. When ritual was first attacked, a clergyman said publicly to a body of laity, "We, the clergy, taught you the doctrine; you said to us, 'Set it before our eyes.'" The response of the laity witnessed that they held this to be true. As *I* might be thought to be biassed, I mentioned Archbishop Longley as an unsuspected authority. Both the Archbishop and myself were speaking, of course, not of the people of England in general, including the Dissenters, nor even of the laity of the Church generally, but of the congregations in which ritual was revived.

4. You ask me "what I think would be the remedy for the present confusion." I believe, a better understanding between the Bishops and the clergy. I speak from personal knowledge when I say that the Bishops might have guided the movement of 1833, &c., if they would. There was nothing that we, who were young then, so much wished. The battle-cry of the early Tracts was, "Let us rally around our fathers, the Bishops." I believe that, now, too, things would come right if the Bishops would be to us "Fathers in God," not (as some have been) enforcers of what we are persuaded is misrepresentation of the law of the Church. Such Bishops merge their spiritual relations to us in that of executors of disputed "law," not as themselves free to advise or act out of their own minds, but as themselves controlled by decisions which we cannot acknowledge as just.

5. I am glad that you say (what you are doubtless authorised in saying), "Nobody wishes, we should think, to deprive the congregations"—who are as at-

tached to what are called High Church usages as the great majority of the congregations are to a simpler worship—"of their position either as regards the Church or nation." Nevertheless, even some Bishops have seemed to wish this. Incumbents have been deprived of curates ; their health has consequently broken down ; one church, at least, was shut up for a time, because the incumbent obeyed the rubric in its grammatical interpretation rather than the Judicial Committee. I gathered from the article in which you announced the intended legislation that its object was to get rid of those who could not acquiesce in the decisions of that Committee. You spoke of "*those against whom an*" important "*distinction*" was to be "*drawn.*" I believe that if the Bishops, unfettered by the Judicial Committee, would consider in each particular case the joint wishes of the congregation and of the clergy, there would be no insuperable difficulty in ending these confusions.

6. But allow me to say that I also believe that your picture of the future, in which "every parish shall be wholly at the mercy of any clergyman," is as entirely ideal as that of the attendant confusion is gloomy. Some acts of the revived ritual (as I must say, the position of the celebrant) are of so simple a character, that when the new Court of Appeal shall, as I think it must in a defended suit, have recognised its legality, people will wonder as much at the past excitement about it as they now do at the surplice-war of thirty years ago in the dioceses of London and Exeter. No one again, I think, will, on mature reflection, object to the mingling of the water with the wine to be consecrated (at least, as it was sanctioned by the Arches' Court, before the service) since it is absolutely certain that our blessed Lord (and the earliest Church, follow-

ing His example) so consecrated^a. I entirely admit, on the other hand, that there *are* ritualistic observances which would jar on the devotional feelings of persons really devout, but attached to simpler services. We must all know or remember persons whom an ornate service, such as is used in some places, would simply perplex and distract. We naturally wish for calm in the worship of God. Changes upon changes, such as in some *few* churches are introduced, so as to give rise in people's minds to the question, "What next?" are, of course, very unedifying. Doubtless there have been mistakes everywhere; it is the common heritage of man. "*Humanum est errare.*" But these very mistakes are encouraged by that unhappy decision which has involved in one condemnation the simplest adherence to primitive and post-Reformation usages, and what was really due to individual eccentricity or taste. Legal injustice (though committed through ignorance in an undefended suit) fosters, though it does not justify, disregard of law altogether. In ordinary law the judge is better informed as to the law than those brought before him. In the interpretation of rubrics it may well be, that the condemned may have more special knowledge than the judge. For the subject-matter of these judgments is not so much legal as ecclesiastical or historical. They turn on matters which form part of the natural study of the clergyman. The judges in the Purchas Case, moreover, had only an *ex parte* statement brought before them. When this fog shall have been swept away, people will probably see more clearly. Very few clergymen will, I hope, be so ill-advised as to make any grave changes, even though ruled to be lawful, without having first won the confidence and

^a See my letter to Dr. Liddon, appended to his to Sir J. T. Coleridge.

good-will of their congregations. Better to delay for ten years, if so be, what men wish for, than to scare any away.

7. Even now, as far as I am informed, the disagreement generally lies not between clergy and congregations, but between an Association which represents Puritanism, whether within or without the Church, and both clergy and congregation when united in the belief of sacramental doctrine. This Association, having prosecuted Mr. Bennett, and having procured at least a legal recognition of the faith which they invoked the law to condemn, has since been striving to have the ritual declared illegal, which represents the doctrine pronounced by that judgment to be legal. To what end, even should they succeed? Faith, like water, is incompressible. Stop it up in one way, it will find its vent in another. Let them enclose it, not with Purchas judgments, but with brass and iron, it will ooze through. As men come to perceive that primitive Church-teaching on the Sacraments cannot be assailed by means of the law, the anti-ritual zeal will, I doubt not, lessen. When this new Court of Appeal shall (as I doubt not that it will) pronounce dispassionately with (what the Judicial Committee had not) a full knowledge of the facts before them, the younger Ritualists will, I trust, acquiesce in the limits of a moderate ritual, and excesses will drop off of themselves, or by the revived influence of the Bishops. Some of our Bishops have been in an unnatural position towards us. When they shall no longer feel constrained by their own respect for a judicial sentence, and when that ill-advised petition of the 483 shall be forgotten, the Bishops will, I doubt not, be influenced by their own feelings, and by a sense of their spiritual office, to resume their fatherly relation to all their clergy, and we shall again rejoice to think and

speak of them as "fathers in God." God, the great Father of all, will, I hope, "turn the hearts of the fathers to the children and the hearts of the children to the fathers."

I should myself hope much more from the restoration of that relation than from any court. I should hope much more from the arbitration of the Bishop, when untrammelled by judicial decisions, than from his judgment when surrounded by assessors. If the proposed Diocesan Courts were decided on, the fatherly relation would again be merged in the character of judge. The sense of responsibility is also weakened by being divided. Law-suits, of course, leave a feeling of soreness in the defeated party, and in this case the parties would be those who ought to be in closest harmony and love, the pastor and his flock. Cheap law would also, probably, multiply litigation. We might have as many quarrels as there were discontented or quarrelsome minds or (as they would call themselves) "aggrieved parishioners," although, while living within the limits of a parish, they neither were Communicants, nor frequented any worship of Almighty God. We are, through faults doubtless on all sides, in a state of ferment. When this costly, but inevitable, litigation shall have done its work, and men's minds shall be calmed, wiser remedies will, I hope, be found for any remaining evil.

I will only add that, in all this litigation, Churchmen are on the defensive. We seek liberty for ourselves and for those, the care of whose souls has been entrusted to us; we seek not to interfere with the liberty of others.

Your obedient servant,

E. B. PUSEY.

CHRIST CHURCH,
March 28.







